

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JONATHAN ASBELL, et al.,

Plaintiffs,

v.

EDUCATION AFFILIATES, INC., d/b/a
FORTIS INSTITUTE OF NASHVILLE, and
KIMC NASHVILLE, LLC, d/b/a FORTIS
INSTITUTE,

Defendants.

No. 3:12-cv-00579

Judge Nixon
Magistrate Judge Bryant

JURY DEMAND

ORDER

Pending before the Court is Plaintiffs' Motion to Stay Determination as to Whether Plaintiffs' Case is to be Maintained as a Class Action ("Motion"). (Doc. No. 18.) Plaintiffs request that the Court stay determination of whether Plaintiffs' case is to be maintained as a class action pending resolution of Defendants' Motion to Compel Arbitration and Motion to Dismiss Plaintiffs' Class Action Claims ("Defendants' Motion") (Doc. No. 4). (*Id.*) In support of the Motion, Plaintiffs cite Local Rule 23.01(b), which requires that, within sixty days of filing a class action complaint, a plaintiff shall move for a determination as to whether the case is to be maintained as a class action "unless this period is extended on motion for good cause." (*Id.*) Plaintiff asserts that moving for a determination of whether its case is to be maintained as a class action prior to resolution of Defendants' Motion would be unproductive. (*Id.*)

The Court finds that Plaintiff has shown good cause for extending the sixty-day limit under Local Rule 23.01(b). Thus, Plaintiff's Motion is **GRANTED** and the Court hereby **STAYS** determination as to whether Plaintiffs' case is to be maintained as a class action pending the Court's ruling on Defendants' Motion.

It is so ORDERED.

Entered this 15th day of August, 2012.

A handwritten signature in black ink, appearing to read "John T. Nixon", written over a horizontal line.

JOHN T. NIXON, SENIOR JUDGE
UNITED STATES DISTRICT COURT